

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed December 13, 2007. Claims 1-4, 6-14, 19-31, and 34-39 are pending in the Application and Claims 1-4, 6-14, 19-31, and 34-39 are rejected. Applicant respectfully requests reconsideration and favorable action for all pending claims in view of the following remarks.

Rejections Under 35 U.S.C. § 112

A. The Rejection of Claims 37-39

Claims 37-39 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. *See* Final Office Action, Page 8. Specifically, regarding Claim 37, the Final Office Action contends there is insufficient antecedent basis for “the period of activity” and this limitation has been read as “the period of inactivity” for purposes of furthering prosecution. *See* Final Office Action, Page 8. Without addressing whether the rejection is correct, in order to expedite prosecution, Claim 37 has been amended to address the rejection. Favorable action is requested.

Applicant believes that this amendment places the case in condition for allowance or in better condition for appeal, does not raise the issue of new matter, and does not present new issues requiring a new search because the Examiner stated this limitation has been read as “the period of inactivity.” Accordingly, Applicant respectfully requests that the Examiner enter the amendment.

B. The Rejection of Claims 1-4, 6-14, 19-31, and 34-36

Claims 1-4, 6-14, 19-31, and 34-36 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Final Office Action contends that the limitations “isolating the delay timer from the network” and “the communication module including a delay timer” of Claims 1, 19, and 24 are unsupported by the Specification. *See* Final Office Action, Page 7. Applicant respectfully traverses these rejections for the reasons described below.

35 U.S.C. § 112, first paragraph, states: “The specification shall contain a written description of the invention, and of the manner and process or making and using it, in such full, clear, concise and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most clearly connected, to make and use the same . . . To satisfy

the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention.” *See* M.P.E.P. § 2163(I).

Applicant respectfully submits that given the Specification and Figures, one skilled in the art would reasonably conclude that the Applicant had possession of a communication module including a delay timer operable to be isolated from a network, as described in Claims 1, 19, and 24. For example, Figure 1 and Pages 7-11 of the Specification clearly describe delay timer 103 as part of communication module 101 and that delay timer 103 may be isolated from the network in conjunction with isolating communication module 101 from the network.

In Applicant’s Response filed September 20, 2007, Applicant pointed out numerous portions of the Specification that would lead one of ordinary skill in the art to conclude that Applicant had possession of a communication module including a delay timer. For example, Page 7, lines 29-31 of the Specification states that “[c]ommunication module 101 includes . . . a delay timer 103 that includes a delay time interval” (emphasis added). One skilled in the art can reasonably conclude that Applicant had possession of the claimed communication module including a delay timer based on this statement alone. However, the Examiner incorrectly maintained the rejection stating: “one skilled in the art would have **no reason** to assume that communication module 101 **includes** delay timer 103.” *See* Final Office Action, Page 3 (emphasis added). Applicant respectfully submits that one skilled in the art can reasonably conclude that Applicant had possession of a communication module including a delay timer at least because Applicant’s Specification clearly describes that communication module 101 includes a delay timer 103 at Page 7, lines 29-31 of the Specification.

For at least these reasons, Applicant respectfully submits that the Specification describes the claimed invention in sufficient detail such that one skilled in the art can reasonably conclude that the Applicant had possession of the claimed invention, thus satisfying the written description requirement of 35 U.S.C. § 112. Therefore, Applicant respectfully requests that the rejection of Claims 1-4, 6-14, 19-31, and 34-36 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Rejections Under 35 U.S.C. § 102 and § 103

Claims 1-4, 6-9, 11, 19, 21, 24, 25, 28, 30, 31, and 34-36 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,892,901 issued to Landwehr et al.

(“*Landwehr*”). Claims 37-39 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,084,766 to Netravali et al. (“*Netravali*”). Claims 12-14, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Landwehr*, and further in view of *Namma* and U.S. Patent No. 6,249,681 issued to Virtanen (“*Virtanen*”). Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Landwehr*, and further in view of *Virtanen*. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Landwehr*, and further in view of U.S. Patent No. 5,495,480 issued to Yoshida (“*Yoshida*”). Applicant respectfully traverses these rejections for the reasons described below.

Claim 37 is allowable at least because *Netravali* does not teach or suggest “isolating the communication module from the remote network location without terminating all power supplied to the communication module.” The Final Office Action alleges that Column 3, lines 48-50 disclose isolating the communication module, but this is incorrect. At no point does *Netravali* teach or suggest **isolating** a communication module. Instead, *Netravali* teaches detecting failures in blocks of data packets transmitted to a receiver (the alleged communication module) and retransmitting the failed blocks. Column 3, lines 48-51 of *Netravali* states that a wait indicator is set at the transmitter after a block is retransmitted “to prevent further retransmissions until the retransmitted block has sufficient time to be received and sufficient time to acknowledge the reception.” Therefore, even assuming for the sake of argument that *Netravali* discloses a wait indicator, *Netravali* does not teach or suggest **isolating** the receiver because the receiver still receives retransmitted blocks of data packets while the transmitter awaits acknowledgement.

For at least these reasons, Claim 37 is allowable as are all the claims depending therefrom. Favorable action is requested.

Claim 1 is allowable at least because *Landwehr* does not teach or suggest “comparing the delay time interval to an activity associated with the system communicating with the network, the activity being any communication between the system and the network” and “isolating the communication module **and the delay timer** from the network based on the comparison” (emphasis added). The Final Office Action alleges that the delay timer is part of the system that is isolated in *Landwehr*, but this is incorrect. Instead, Column 5, lines 29-34 of *Landwehr* **identifies the delay timer as being part of detector 18 as follows:**

In this manner, detector 18 generates a plurality of timing periods which are available to detector 18, e.g. the idle time period and time period to shutdown described above. These, together with the counter in processor 20, constitute the timer of detector 18.

A similar argument to the above was previously presented. *See* Response filed on November 10, 2006. The Final Office Action does not respond to that argument. Instead, the Final Office Action repeats the previous rejection, recites a previous version of Claim 1, and cites Column 3, lines 4-6 and Column 3, lines 26-28 of *Landwehr*. *See* Final Office Action, Page 9. Not only is this procedurally deficient, but it is incorrect because at no point does *Landwehr* teach isolating **the delay timer taught as part of detector 18**. Instead, the cited portions state “[i]nterlock 32 is disposed to selectably permit or block communication along line 30 and may also disconnect power from circuit 28,” and “FIG. 2 illustrates a preferred way to operate the system of FIG. 1. Initially, interlock 32 is set to isolate circuit 28 from communication line 30 and circuit 28 is shut down.” These portions clearly do not disclose that the delay timer is isolated. Thus, at no point does *Landwehr* teach or suggest isolating the communication module and the delay timer from the network.

For at least these reasons, Claim 1 is allowable, as are all claims depending therefrom. Claims 19 and 24 are allowable for analogous reasons, as are all claims depending therefrom. Reconsideration and favorable action are requested.

Claims 34, 35, and 36 are also allowable at least because *Landwehr* does not teach or suggest “wherein the network implements a TCP/IP transport language protocol.” The Final Office Action cites Column 2, line 61 - Column 3, line 7 in rejecting this claim. Again, the Final Office Action is incorrect. The cited portion is completely devoid of any mention of a network implementing a TCP/IP language protocol, reciting in its entirety:

Detector 18 communicates to third circuit 28, and via link 2,6 to electronic interlock 32. Communication line 30 permits circuit 28 to communicate to one or more external circuits 33, with arrows 31a and 31b indicating that the communication between circuits 28 and 33 may be bi-directional. Interlock 32 is disposed to selectably permit or block communication along line 30 and may also disconnect power from circuit 28. Data line 30 may, of course, be a plurality of wires, data links, multiplexed lines, etc.

From the above recitation, it is clear that no mention is made of isolating a network implementing a TCP/IP transport language protocol. Instead, *Landwehr* is directed to a system that isolates devices such as a keyboard and mouse. *See Landwehr* Column 4, lines 1-5. Applicant respectfully submits that one would not be motivated to modify the keyboard and mouse devices of *Landwehr* to communicate over a network implementing a TCP/IP transport language protocol. For at least these reasons, Claims 34, 35, and 36 are allowable. Reconsideration and favorable action are requested.

CONCLUSION

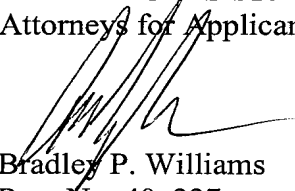
Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicant respectfully requests allowance of all pending claims.

If the Examiner feels that prosecution of the present Application may be advanced in any way by a telephone conference, the Examiner is invited to contact the undersigned attorney at 214-953-6447.

Applicant believes no fees are due. Nonetheless, the Commissioner is hereby authorized to charge any other fees and/or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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